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1961/05/26

OUTGOING TELEGRAM Department of State

INDICATE: ☐ COLLECT
☐ CHARGE TO

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15 JUN 61 PM 11 40

14371

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Origin
SO SENT TO: Amembassy SAIGON Priority 1457
" " LONDON Priority 5544
Info: " OTTAWA Priority 841
" " PARIS Priority 5180
SS " NEW DELHI Priority 3441
G RPTD INFO: CINCPAC POLAD
SP VIENTIANA 1291
L PHNOM PENH 1080
H BANGKOK 1846
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NAVY

AIR

EMK

TASK FORCE VN

SAIGON's 1752 and 1788, New Delhi's 2782, Deptel 3404 to New Delhi.

On May 15 Asst. Secretary McConaughy called in representatives

British, French and Canadian Embassies to inform them that due DRV violations we have been required expand MAAG by about a hundred, that we did not seek justify this on basis MAAG ceiling, but rather as response DRV infractions Geneva Accords. McConaughy emphasized we not overthrowing Geneva Accords, but did not wish our hands tied by following them in all respects while DRV violating them. He emphasized this personnel was for training. (Department intends soon inform Indians of above only.)
FYI There will be considerable further increases in MAAG/Viet-Nam beyond 100 referred to above END FYI

On May 18 Ledward, British Embassy, asked Departmental Officer how we planned handle MAAG increase and whether Indians would be informed since problems likely arise. Ledward said Fon Off on being informed

above

Drafted by:

S/O:CBWood:lgs 5/26/61

Telegraphic transmission and

classification approved By:

The Secretary

Clearances:

Mr. Tolson - L
Mr. Tamm - NEA

FE - Mr. McConaughy
EUR - Mr. Kuhl
DOD - Mr. Harkin

Mr. Kuhl
IO - Mr. Walker

S/S-Mr. Grant

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- 2 -

above conversation with McConaughy had replied it well understood reasons MAAG increase and had no reservations, but was anxious be informed our next move. Departmental officer replied decision not yet final, but it appeared unlikely we would seek justify any further increases/being within MAAG ceiling (although it could be argued as basis MAAG increase that there were about 1500 trainers in VN at time Geneva Accords). Our tentative view was that due vital threat to GVN posed by DRV directed guerrillas in Viet-Nam, GVN entitled defend itself without being limited by restrictions on bringing in men and materiel set forth Articles 16 and 17 Geneva Accords for VN.

Dept officer continued main reason GVN fighting for its existence today was that these restrictions had consistently been ignored by DRV since Geneva Accords went into effect. However, whatever decision was reached with GVN on Geneva Accords, we would not rpt not seek contravene main purpose Geneva Accords which was to prevent one side from violating the cease-fire and attacking the other. GVN was being clearly attacked by DRV through guerrilla methods; GVN certainly did not intend to cross demarcation line and attack DRV. Its aim was to defend itself and preserve its independence. In this we intended support GVN.

Action addressees should also point out that U.S-GVN decision not be limited by Articles 16 and 17 would be in accord with recognized principle international law that material breach of a treaty obligation by one party relieves the other of full compliance with its obligations

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- 3 -

until first party resumes observance (II Yearbook International Law Commission 1959, Articles 18 and 20 on law treaties, pp. 45, 46, 66-71.) The U.S. specifically intends that this action will be limited to period during which communists continue violate their treaty obligations. The U.S. will return to complete compliance as soon as the communists discontinue their violations.

Addressees should also emphasize that U.S. and GVN consider DRV has continuously breached Article 24 Geneva Accords which/that armed forces each party "shall commit no act and undertake no operation against the other party." (Copies Geneva Agreement pouched to addressees January 13, 1960). There is continuing evidence that armed DRV personnel acting under DRV orders have for years travelled from DRV territory into Viet-Nam and carried out hostile acts. The Kontum attack of October, 1960 when several hundred armed persons attacked across the Vietnamese frontier in unit formation is one example.

Finally, should emphasize this decision does not reflect desire upset ICC mechanisms. As set forth Department's 3404 to New Delhi, we believe that mechanism of ICC should be perfected. The present situation in Viet-Nam results to some extent from the fact that the ICC as set up by the 1954 Agreements has not been able to act effectively. This is why we have urged that the ICC mechanism in Laos be made effective. We could

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FOR SAIGON

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FOR SAIGON

Above rationale and procedures outlined below should be discussed promptly with GVN. Following points should be made to GVN:

1. We are anxious move ahead very soon in cooperation with GVN on lines this message and would welcome early expression GVN views. It is hoped that Ambassador Nolting may be able inform Embassies London, Paris, and Ottawa ^{very soon} ~~within two or three days~~ of GVN concurrence. Embassy New Delhi to make its approach four days thereafter. We think it important to make U.S. - GVN position on MAAG clear to world opinion soonest.

2. We hope GVN will consider making its own demarche at New Delhi; as well as at Paris, London or Ottawa if it so desires. Most important will be GVN note to ICC. We hope Embassy and GVN will be able coordinate these moves, in advance. Urge GVN use suggested rationale.

FYI As soon as Embassy satisfied re GVN concurrence, it should notify other action addressees.

Department will inform GVN Embassy here four days after transmission this telegram unless contrary advice received END FYI.

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FOR LONDON, OTTAWA, GENEVA and PARIS

Upon receipt telegram Saigon indicating GVN concurrence
Suggest this be discussed confidentially along above lines with

British, Canadians and French and that they be informed we intend bring up matter in New Delhi four days after receipt this telegram.

FOR NEW DELHI ONLY

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FOR NEW DELHI ONLY

Unless addressee posts perceive strong objections, GOI should be informed of above four working days after receipt telegram from Saigon indicating GVN concurrence.

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